SAṂBANDHA-VIVEKA

BY

ŚŪLAPĀṆI

CHAUDHURI

THE CONTRIBUTION OF BENGAL
TO
SMṚTI LITERATURE

VOL. I

The Saṃbandha-viveka of
Mahāmahopādhyāya Śūlapāṇi,
critically edited *for the first time*

BY

Dr. Jatindra Bimal Chaudhuri, Ph. D. (London),
Professor, Presidency College, and Lecturer, Calcutta University;
formerly, Lecturer, University of London; Author of the
Series: (1) The Contribution of Women to Sanskrit
Literature; (2) The Saṃskṛta-Dūta-Kāvya-
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Miss Marjorie A. E. Beavis,

Registrar, School of Oriental

Studies,

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PREFACE

The Navya-Smṛti and the Navya-Nyāya are the two epoch-making contributions of Bengal to Sanskrit Literature. Of the Smārtas, again, Bṛhaspati, Vallāla Sena, Aniruddha Bhaṭṭa, Jīmūtavāhana, Halāyudha Bhaṭṭa, Nārāyaṇa Vandyopādhyāya, Gopāla Bhaṭṭa, Raghunandana Smārta-Bhaṭṭācārya, Mahāmahopādhyāya Śūlapāṇi, Śrīkara Ācārya, Śrīnātha Ācārya-cūḍāmaṇi, Bhuvanānanda Kavikaṅkaṇācārya of Bongong Subdivision, Raghunātha Sārvabhauma of Ula in Ranaghat, Rāmagopāla Tarkapañcānana, Hiraṇyagarbha Bhaṭṭācārya, Gadādhara, Cintāmaṇi Nyāyavāgīśa Bhaṭṭācārya, Madhusūdana Vācaspati, Harinārāyaṇa Śarman, Rāmabhadra Nyāyālaṃkāra, Srikṛṣṇa Tarkālaṃkāra, Acyuta Cakravartin, Jagannātha Tarkapañcānana, Vidyānivāsa, Trivikrama, Bhavadeva, Gopāla Siddhāntavāgīśa, Rādhāmohana Gosvāmin of Santipur, Navadvīpa of the Nityānanda family of Khardah, Śrīnivāsa, Govindānanda Kavikaṅkaṇa Bhaṭṭācārya of Bankura, Rāmānanda Tīrtha and Rāmabhadra Nyāyālaṃkāra Bhaṭṭācārya deserve our closest attention. But unfortunately, very little is known about these authors or of their works which are mostly available in MSS. The major portion of the literary output of even Mahāmahopādhyāya Śūlapāṇi, one of the oldest and most well-known Smārtas of Bengal—probably, the greatest of all—is still unpublished. All the works of Raghunandana, too, have not as yet been published. Nevertheless, Bengal's contribution to Smṛti Literature is indeed very great and furthermore, it is quite true that the social history of Mediaeval Bengal cannot be accurately re-constructed unless the important Smṛti works at least are available in print or thoroughly dealt with by competent scholars. It is my humble attempt to publish in this series, for the first time, some of the leading works on Bengal-Smṛti so that attempts may finally be made, along with other aids, for the reconstruction of the social history of Mediaeval Bengal.

For the MSS. A and B used for this edition, I am indebted to the Authorities of the Calcutta University and the Vaṅgīya-Sāhitya-Pariṣad respectively.

As paper is a rare commodity now-a-days, my Introduction to the present volume has to be cut to the minimum. Biographical and Bibliograplical informations about Sūlapāṇi will, therefore, be inserted in a subsequent volume on some other work by the same author.

Presidency College,
1942.

J. B. C.

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INTRODUCTION

Before we proceed with the contents of the Saṃbandha-viveka, a short discussion about the suitability of a girl in marriage is necessary. The principle is that a blood-relationship must not be perpetuated in marriage as it is bound to exaggerate every malady of the parents in their issues. With a view to this, what are the injunctions of our Gṛhya-sūtrakāras and Smārtas ? And how far did these limitations exist in Vedic India ? Further, it is of supreme interest to trace the evolution of the various limitations in subsequent periods upon young people in their free choice of partners in life.

Of the eight forms of marriage known in Ancient India, almost all may be traced in the Vedic Age. The Āśvalāyana-gṛhya-sūtra (I. 6) describes them but the Sāṅkhāyana-gṛhya-sūtra, Gobhila-gṛhya-sūtra, Pāraskara-gṛhya-sūtra, Khādira-gṛhya-sūtra, etc. do not deal with them. The Gautama-dharma-sūtra (IV. 6,13) describes all the eight whereas Manu (III. 21), Āpastamba-dharma-sūtra (2.11.17 ff.) and Vaśiṣṭha-dharma-sūtra (1.30 ff.) have omitted the Prājāpatya and the Paiśāca forms. In the Hārīta-saṃhitā, Prājāpatya and Ārṣa forms are not mentioned ; but as he mentions the Kṣātra and Mānuṣa forms also in his list of the forms of marriage, the total number remains eight. The Mahābhārata gives the traditional forms of the Smṛtis in several passages but once only five forms have been spoken of (13.44.3ff.) of which three are considered good and two bad. The Svayaṃvara is also occasionally mentioned as the ninth form.

Of these various forms, the Brāhma, Daiva, Prājāpatya and Ārṣa are recommended by the Smṛtikāras ; because, they specifically mention that the issues from these forms of marriage cause greater satisfaction to their ancestors than those from others (ĀśvGs., Trivandrum ed. pp. 20-22) ; the wives go after death to Brahma-loka, Viṣṇu-loka, etc.

In the Brāhma form of marriage, the bride is offered by the parents out of their free will ; in the Daiva form, the bridegroom is to be a sacrificiael prist ; in the Ārṣa form, the bridegroom is to present a pair of kine ; in the Prājāpatya,[1] the bridegroom should

1 ĀśvGs. 1.6.15—"They fulfil the law together ; this is the wedding called Prājāpatya." Haradatta comments, "यद्यप्यन्येष्वपि विवाहेषु सहधर्मचरणमस्ति,

propose for the marriage ; in the Gāndharva, mutual agreement is the foremost condition ; in the Āsura, the father of the bride accepts money from the groom ; in the Paiśāca, the bride is carried away when her relatives are asleep or heedless ; in the Rākṣasa[1], the bridegroom carries the bride away, killing the bride's relatives.

The first one, viz. the Brāhma has no specific condition and is only opposed in spirit to the Kṣātra or Rākṣasa marriage. The Daiva marriages (i.e. those in which priests were bridegrooms) were evidently known in the Vedic period. The princes used to present their priests with slave girls, even with their daughters,—some of whom they used to marry. It is certain that sometimes even in the Vedic period, an ardent but otherwise undesirable suitor (Vijāmātṛ) had to please the father of the bride with heavy payment[2] ; but as in the later period, in the Vedic period as well, this was considered reprehensible.[3] The Ārṣa is not, however, to be confused with a marriage by purchase[4], for the bridegroom gets back the pair of kine he offers to the bride's father after the marriage.[5] Some Vedic passages indicate that Prājāpatya marriages were also known in the Vedic Society.[6]

The Rākṣasa and the Paiśāca marriages are also traced in the Vedic Literature. The Rākṣasa type is illustrated by the abduction

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तथाप्यत्र यावज्जीवनं सहधर्म-चरणमेव न मध्ये आश्रमान्तर-प्राप्तिरिति विशेषः" ।

1 There is a difference of opinion as to whether the Paiśāca or the Rākṣasa is a better form of marriage. Āśvalāyana and Vātsyāyana deem Paiśāca better than Rākṣasa.

2 ṚV. i.109.2 ; viii. 2.20 ; Mait. Saṃh. 1.10.11 ; Tait. Saṃh. II. 2.4.1 ; Kāth. Saṃh. xxxvi. 5 ; Tait. Brah. 1.1 ; 2,4 ; cf. Nirukta., VI. 9 ; Manu, III. 53, viii. 204 ; IX. 98. The Maitrāyaṇī and Kāṭhaka speak of a woman who has intercourse with other men although her husband bought her.

3 ṚV. 1.109.2 refers to Indra and Agni as being more generous than a son-in-law , cf. ṚV. viii. 2 20 ; Aśiva Jāmātṛ ; also Nirukta, vi. 9.
On the other hand, dowries were also given in the Vedic period, specially when the damsel had some bodily defects ; ṚV. vi. 28.5 ; x. 27.12 ; AV. 5.17. 12

4 Probably the Ārṣa Vivāha became transformed into a mock-purchase in which a cow and a bull were given to the bride's father ; See Baudhāyana, commentary, 1.20.4. Strabo says that Indians used to buy their wives from their parents in exchange for a Yoke and a pair of oxen. For purchase in Smṛtis : see Vaś D h S. I. 36-37 ; cf. also PārGs. 1.3.18 ; ŚāṅGs. 8.14.16 ; and Nārāyaṇa's comm. on the ŚāṅGs.

5 Cf. Āp. 2.13.12.

6 ṚV. x. 78, 4 ; 85, 15, 23.

of Purumitra's daughter by Vimada against her father's wish (but with her consent).[1] There is no proof in the Vedic literature that the Paiśāca form i.e., the abduction of the girl without her consent (when asleep, etc.) was recognised as valid. It cannot be denied that marriages of these two types were recognised in the society in Pre-historic times.[2] Along with the growth of more refined feelings, the society began to denounce increasingly these forms. The gift of a maiden for services rendered is exemplified in the story of Cyāvāka in the Jaiminīya Brāhmaṇa,[3] and in that of Śyāvāśva in the Bṛhaddevatā.[4] As this is a kind of *Śulka*, these marriages should be included in the list of Āsura marriage.

The Gāndharva was, however, the rule of the day. Vātsyāyana prefers it to all others and certainly some similar form with the consent of parents as secondary must have been considered the best during the Vedic period. Child-marriage is not Vedic, and with grown-up girls parental consent is a secondary consideration. Obligatory marriages were infrequent. Younger sisters could marry before their elder ones[5] and unmarried young women were not reluctant to reside in their parental abode till the end of life[6] while many grew old in the same.[7] Again, mutual affection developing between the lovers attracts our envious attention ; thus, a love-led maiden goes out in tryst as passionately as a gambler does for his dice.[8] The fingers welcome Soma just as a maiden greets her lover.[9] The river yields herself as a maiden does to her lover.[10] Soma is hailed just as a lover is by his ladylove.[11]

Various love-charms[12] reflect truly the longings of two loving young hearts for union. Parents wish that their marriageable

1 Cf. ṚV. i. 112, 19 ; 116, 1, etc.

2 Schrader's Prehistoric Antiquities, pp. 382-83. Cf. Lubbock, Origin of Civilization, p. 72. For the existence of capture-marriage both ancient and modern, see Westermarck, Short History of Marriage, Chap. V, pp. 110-120 ; Sup. III. op.cit., for several tribes still practising it in India.

3 IV. 122.

4 V. 49, etc.

5 Cf. the words 'Agredidhiṣu', etc.

6 Cf. AV. xviii. 2. 47.

7 ṚV. i. 117. 7 ; ii. 17, 7 ; x. 39, 3 ; 40, 5 ; AV. i. 1, 14.

8 ṚV. x. 34, 5 ; Cf. 40, 6.

9 ṚV. x. 56, 3.

10 ṚV. iii. 33, 10.

11 ṚV, ix. 32, 5.

12 AV. ii. 30, 2-3, etc.

daughter may find for her a suitable groom and be by all means most loved by the latter.[1] The lover has nothing but honey for his beloved so that the beloved one constantly longs for being his and his alone.[2] Their eyes are nothing but honey, their faces ointment ; they are placed within each other's heart and their minds are also one.[3] In keeping with such yearnings, strong jealousy is felt in love-affairs, and great affections are recalled to memory. Malicious rites are performed by men against their rivals[4] just as rival maidens curse one another with spinsterhood.[5] The sweetheart piteously laments even over a chance of separation ; she despises the very idea of the lover's journey abroad alone ; she reminds him that he is wholly hers and must return to her absolutely hers. The lover cannot protest in the least, for one may talk big in the assembly, but never before the sweetheart.[6] Wherever he may go, she wants him to long for her body and soul, come back sharp, and be the father of her sons.[7] She binds him with her hair in order to make him wholly hers[8] ; and he, too, earnestly hopes that she may dry up in heart and mouth by loving him.[9] These demonstrate terrible anxiety on the part of both for final union.

Even as late as the time of Bhavabhūti, Ātreyī is found reading with Lava and Kuśa[10] and as High Female Education was the rule of the day, certainly, in the Vedic period girls and boys used to read together which offered them opportunities for free choice about the partners of their life. Scope for love was also offered by the Vedic festivals and Samanas. The ceremonies and festivals were so numerous and frequent that women could mix with men most freely. The Mahāvrata ceremony particularly bears testimony to the fact that women very freely mixed with men during the period of its performance as mixed song, dance, swinging, etc., were important items therein. In the Vedic gathering places known as the Samanas where weddings, tournaments, poetic

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1 AV. ii. 36, 4-5 ; etc.

2 AV i. 34, 2.

3 AV. vii. 36 ; Cf. vi. 102.

4 Cf. AV. vi. 138 ; vii. 90.

5 AV. i. 14.

6 AV. vii. 38.

7 AV. vi. 1, 31.

8 AV. vii. 37.

9 AV. vi. 139.

10 Uttara Rāma carita, 2nd Act

contests etc. took place, young lady-loves in the best of their appearance and dress used to meet their lovers.[1] These Samanas offered opportunities not only to the Maidens for making love but also to the old maids who dedicated their lives to the quest of husbands.[2] The recognition of free love-making in the society is also evident from the regular domestic rites calculated to help the development of love.[3]

From the above arguments, we may safely deduce the conclusion that love-marriages were the rule of the early Vedic period at least. Parental control was unknown but it did not mean defiance, as parents liked their daughters to select grooms for themselves.[4] Vātsyāyana, the champion advocate of love-marriages,[5] finds in the Gāndharva marriage an element of parental disagreement; in this respect, the later Gāndharva slightly differed from the Vedic. The Gāndharva form of marriage should, however be distinguished from the Svayaṃvara of the epic period which was limited to the Kṣatriyas only and did not depend, even then, upon previous acquaintance or love. The element of love before marriage was usually missing in it; e.g. in the case of Rāma, Arjuna, etc.[6] Again, the Svayaṃvara of the Smṛtis is quite a different thing altogether.[7]

In course of time love-marriages tended to become a history of the past. Child-marriage came to be recommended by the Smṛtikāras, even conception-marriages in some parts of the country. And various sorts of limitations were imposed upon marriage. Marriage remained no longer upon the throbbings of two young hearts for union—, but became concerns or problems of the parents or other near relatives.

The restrictions imposed later on have also a distinct history of evolution. The Gobhila-gṛhya-sūtra,[8] Mānava-gṛhya-sūtra,[9]

1 AV. ii. 36. I; ṚV. vii. 2. 5; iv. 58, 8.

2 AV. II. 36, I.

3 ṚV. vii. 2, 5; AV. ii. 36; vi. 30; vi. 82, etc.

4 Cf. AV. ii. 36; vi. 60.

5 Kāma-Sūtra, 233.

6 Sometimes the Svayaṃvara marriage was based upon courtship e.g. Nala-Damayantī's.

7 In the Smṛtis, the choice of husbands is allowed to the young lady only if she is not married till three years after her puberty.

8 III. 4, 3-5.

9 I. 7.

Hiraṇyakeśi-gṛhya-sūtra[1] and Vaikhānasa-gṛhya-sūtra[2] forbid marriage with a Sagotrā or Samāna-pravarā girl ; Gobhila and Vaikhānasa forbid, moreover, marriage with a Sapiṇḍā of the mother. The Āpastamba-dharma-sūtra[3] prohibits marriages with a sagotrā of the father and a blood-relation of the mother.[4] According to Manu, the degree of affinity that hinders marriage is "saptamāt pañcamād ūrdhvaṃ mātṛtaḥ pitṛtas tathā", a view also upheld by our Mahāmahopādhyāya Śūlapāṇi. All the commentators interpret the verse as applicable to the forbidding of marriage even with mātṛ-sagotrās. Vyāsa[5] also adheres to this view. Some smārtas prohibit marriage with a girl of the same name as that of the mother as well as the daughter of the Guru.[6] But the Brāhmaṇa literature does not furnish any evidence to these rigidities. Simply, the Śatapatha Brāhmaṇa[7] goes so far as the third or the fourth generation; the former being allowed, as Harisvāmin[8] says, by the Kāṇvas and the latter by the Saurāṣṭras while the Dākṣiṇātyas allowed marriage between first degree cousins.

According to Sāyaṇa, the Kāṇvas accepted marriage in the third degree, the Saurāṣṭras in the fourth. The commentator of the Vajra-sūci[9] adds to the Kāṇvas the Āndhras and the Dākṣiṇātyas but remarks that the Vājasaneyins forbade marriage with the daughter of the mother's brother. Baudhāyana[10] records that marriage with the maternal uncle's daughter or paternal aunt's daughter is prevalent in the South. The Saṃskāra mayūkha[11] also notices that eminent authors like Someśvara and Devaṇṇa Bhaṭṭa cite ṚV. X. 10.5 and another Khila passage Tṛptaṃ Juhuḥ etc, in support of marriage with maternal uncle's daughter. The

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1 I. 19, 2.

2 3, 2.

3 II. 5, 11. 15-16.

4 See also Gautama-dharma-sūtra, xiv. 13 ; Vaśiṣṭha DS., iv. 17-19 ; Cf. Manu III. 5 ; Yājñ. 1, 52-53.

5 2. 2.

6 Sins incurred by violating prohibitted degrees are at times atonable. Some times local customs are taken into consideration. Baudh. (1. 2. 3) and Bṛhaspati (27. 19) allow cousin-marriages in the south.

7 I. 8, 3, 6.

8 The commentator on ŚB.

9 Indische Studien, 10,73-76.

10 1.1.2.3

11 P. 79 Gujarati Press ed.

Nirukta-pariśiṣṭa and Aparārka on Yājñavalkya[1] also prescribe such marriages in the South. Even today this custom is widely prevalent in the South. I am told that the authority of the maternal uncle is supreme there in matrimonial affairs. If the maternal uncle has no daughter, the nephew is simply obliged to carry out the intentions of his maternal uncle. In the latter case, a sham ceremony takes place. The nephew arranges to go down to Benares for leading a holy life ; the maternal uncle comes in and intervenes. Then the uncle arranges for his marriage.

Marriage with the daughter of the paternal uncle was also allowed which subsequently fell into disuse. Āpastamba,[2] however, comdemns it as Niyoga.

The Buddhist literature also mentions many cousin marriages. Princess Vajirā marries king Ajātaśatru, son of her father's sister.[3] Ānanda intends to marry his father's sister's daughter Uppalavannā.[4] Ummādacittā (whose beauty made everybody mad), daughter of king Pāṇḍuvāsudeva of Laṅkā, married her maternal uncle's son Dighagāmaṇi[5]. Suvannapati was married and made queen by her father's sister's son Puṇḍakābhaya.[6]

Thus, it is certain that marriages within the gotra were not prohibited in Ancient India though marriages outside it were frequent.

Change of gotra was also possible. Thus Gṛtsamada, once an Āṅgirasa, subsequently became a Bhārgava. This principle is also illustrated by the story of Sunaḥśepa.

Mahāmahopādhyāya Śūlapāṇi makes a significant remark at the end of his Saṃbandha-viveka that all other sins incurred by violating the injunctions against marrying an undesirable girl do not invalidate the marriage rite, if performed ; but the marriage will not be considered a valid one if the text prohibiting marriage within five degrees on the mother's side and seven degrees of father's side is ignored. What are these other sins referred to by our author ? Did they, too, evolve as the previous one ?

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1 1.53

2 Dharma-sūtra, II. 10,27,2-7.

3 Cf. Magha with Sujātu, his maternal uncle's daughter ; Dhammapada commentary, 265.

4 Dhammapada comm., II, p. 49 ; cf. also Jātaka story, No. 262 ; cf. No. 126. Mahāvaṃśa, Geiger's ed.

5 Ibid., p. 58.

6 Ibid., chap. X, p. 78,

(1) Intercaste marriage.

Considering the nature of the Vedic marriage which mostly depended on mutual choice, we have nothing to be surprised at that intercaste marriage was not banned in the Vedic age. Even the Gṛhyasūtras do not exhibit any rigid rule. The cases of Brāhmaṇas marrying Kṣatriyās are illustrated by Cyavana[1] who married Sukanyā, daughter of king Saryāta ; by Śyavāśva[2], who married Rathavīti's daughter and also by Vimada[3]. Vaiśī-putras are familiar to the Taittirīya[4] and Śatapatha Brāhmaṇas.[5] Dāsī or Śūdrā-putras even could become respectable Vedic personalities. Thus, Kavaśa Ailusa was a Dāsī's son.[6] Vatsa, a Śūdrā's son, passed through a fire ordeal and established his purity.[7] Haridrumata Gautama accepted Satyakāma Jābāla as a pupil even though the latter did not know his father's name.[8] The Kāṭhaka Saṃhitā says—knowledge is all important, not descent.[9]

From the recognition of the illicit unions of the Āryas[10] and Śūdras and vice versa in the Yajurveda-saṃhitās it may be assumed that they were considered as legally valid marriages. The Pañcaviṃśa Brāhmaṇa[11] recognizes such a case in that of Dīrghatamas, son of the slave-girl Usij. The Ayogū[12] of the Yajur-veda Saṃhitās means the Āryā woman married to a Śūdra.

In later times, caste-rules became increasingly stringent and binding ; even then, mixed marriages are tolerated in so far as a Brāhmaṇa marries a Kṣatriyā and Vaiśyā and so on. According to Baudhāyana[13] and Gautama[14], sons of equal status are said to be born of such marriages. All the latter authorities are unanimous in not allowing women of higher castes to marry men of

1 Śatapatha-Brāhmaṇa, iv. 1.5.7

2 Bṛhad-devatā, v. 50-81

3 ṚV. x. 39,7
Svanaya—Bhāvayavya's beloved wife was an Āṅgirasī (RV. 1.126)

4 III. 9.7.3

5 XIII. 2.

6 Aitareya Brāhmaṇa, ii. 19.1 ; Kauṣītaki Brāhmaṇa, xii. 3.

7 Pañcaviṃsa Brāhmaṇa, xiv. 66.

8 Chāndogya Upaniṣad, vi. 4.4 ; cf. Śatapatha Brāhmaṇa, xi. 5.4.1.

9 XXX. 1.

10 Taittirīya-Saṃhitā, vii. 4,19,3-4 ; Kāṭhaka-Saṃhitā, Aśvamedha, iv. 7 ; Vajasaneys-Saṃhitā, xxiv. 30-31.

11 XIV. 11,17. The Bṛhad-devatā declares her to be a slave ; IV. 24-25.

12 Vājasaneya-Saṃhitā, xxx. 5 ; Taittirīya Brāhmaṇa, III. 4.1.1.

13 1.17.3 ff ; 1.16.6

14 4.16

lower castes ; the issues of such unions are the Pratilomajas and are despicable out and out as opposed to the Anulomajas or offsprings of a mother inferior in caste to the father.

Whether the higher caste people could marry Śūdrās is a much debated point. Baudhāyana,[1] Manu[2] and Nārada[3] contradict themselves on this issue. Āpastamba[4], Vaśiṣṭha[5], Pāraskara,[6] etc. are not willing to allow such marriages even without Mantras. Uśanas, Gautama, Hārita and others hotly discuss if such culprits should be excommunicated immediately or later.

2. Precedence of the elder brother or sister in marriage.

The later Smārtas stipulate that the order of birth is to be followed in the marriage of brothers as well as sisters. Such words as Parivividāna[7], Agredadhus[8] (younger brother who marries before the elder brother), Parivitta[9] (elder brother preceded by the younger brother in marriage) and Agredidhiṣu[10] show that such order was not strictly followed. As this precedence in marriage is a transgression and not a crime, the sin incurred thereby is atonable.[11]

3. Bridal defects

The Vedic literature does not exactly mention the defects of a bride, nor is that much in keeping with the spirit of the early Vedic marriage which meant a free choice of the partner in life. It is known, however, that girls with defects were sometimes given in marriage with dowry. Evidently, diseased girls were debarred from marriage ; thus, Ghoṣā, daughter of Kakṣivat, could

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1 1.16.2 (supports) ; 2.2.7 (speeks against).

2 3.13 (supports) ; 3.14 f. (speaks against).

3 12.5 and vi. 14 (in support) ; 12.108 ; vi. 26.4.8 f. (against).

4 1.26.7.

5 1.25 f.

6 1.4.11

7 Maiṭrāyaṇi-saṃhitā, IV. 1.9 ; Vājasaneyi-saṃhitā, XXX. 9. Āpastamba uses the word Paryāhita for the same purpose ; Dharma-sūtra, II. 5.12.22.

8 Maitrāyaṇi-saṃhitā, IV.1.9.

9 See f.n. 4 above ; see also AV. VI. 112. 3 ; Taittiriya Brāhmaṇa, III. 2.8.11 ; Āpastamba-śrauta-sūtra, IX. 12.11 and Āpastamba-dharma-sūtra, II. 5.12.22.

10 Taittiriya Brāhmaṇa, III. 2.8. The Dharma-sūtras adopt Agri-Jidhiṣa.

11 Cf. Vaśiṣṭha D. S., 20.7-10.

not get a husband for her and had to stay in her father's house as she was suffering from leprosy.[1]

The Gṛhya-sūtras,[2] Dharma-sūtras[3] and Dharma-śāstras[4] furnish a long list of Kanyā-doṣas or bridal defects. The injunctions to reject gossiping, dwarfish, aged, hunch-backed, bald-headed, squint-eyed girls, etc. are certainly well-meaning pieces of advice ; but the reasons why the girls having names with र or ल as the penultimate consonant or of stars, rivers or trees should be avoided, are well-nigh obscure.

Because of the obscure nature of several defects, the girl had sometimes to pass through some superstitious ordeal and to depend upon luck. Thus she had to pick up a clod of earth which could prove her fitness or otherwise.[5]

Sambaṇdha-viveka : its subject-matter.

The object of Śūlapāṇi in composing this work is, no doubt, ascertaining suitable brides but his discussion does not go beyond the question of marriage within blood-relationship or without, the degrees permitted, etc. Whereas Śūlapāṇi himself does not advocate any strong opinion of his own about the limitations involved, he certainly upholds the views of Manu and Yājñavalkya and interprets the verses in question as he thinks right. The verse on which his discussion hangs is :—Manu,3.5

असपिण्डा च या मातुरसगोत्रा च या पितुः ।
सा प्रशस्ता द्विजातीनां दार-कर्मणि मैथुने ॥

Apparently, the meaning of the verse is—A bride who is a Sapiṇḍā of the mother (a cognate) or Sagotrā of the father is recommended for marriage, Agnyādhāna and progeny. A person up to the seventh degree is a *Sapiṇḍa*, says Manu (5. 30) and

1 RV. X. 39-40. See Bṛhad-devatā, vii. 42-47. See also Sanskrit Poetesses, Part A, second ed., pp. lxxx and lxxx III.
Ghoṣā was subsequently cured by the Aśvins. Then she got a husband and became the mother of Sage Suhastya ; Nīti-mañjarī on RV. 1.117.7.

2 Āpastamba-gṛhya-sūtra, 3. 10-13 ; Cf. Hiraṇyakeṣi-gṛhya-sūtra, I. 192 ; Śāṅkhāyana-gṛhya-sūtra, 1.5. 5f. ; Āśvalāyana-gṛhya-sūtra, 1.5. 1f ; Gobhila-gṛhya-sūtra, II. 1.2 ; III. 4. 4f.

3 e.g. Vaśiṣṭha, xvii. 16.

4 See Yājñavalkya, I. 52-53.

5 Āpastamba-gṛhya-sūtra, 3. 14f ; Āśvalāyana-gṛhya-sūtra, 1.5.4f ; Gobhila-

therefore, a bride who happens to be related in blood up to the sixth generation of the bridegroom is unsuitable for marriage, the groom himself representing one generation. In the Uttara-khaṇḍa of the Kūrma-purāṇa (23. 63), it is stated that the first three generations, viz. father, grand-father and great-grand-father and the *Lepa-bhājs* (three more generations)[1] are Sapiṇḍas. The Matsya-purāṇa, too, upholds this view. This shows that the Sapiṇḍa relationship does not include the brother and children of the great-great-great-great-grand-father.

According to Sumantu, the *Sapiṇḍa* relationship extends up to the tenth generation ; e.g. the three generations of a particular person may be living but if all of them be diseased or ill during the time of the Śrāddha, these three generations will not be included in the list of Sapiṇḍas. And therefore, three generations preceding the great-grand-father of the person performing the Śrāddha in this particular case will be entitled to the Cakes and three generations preceding these three, again, will be entitled to the *Lepa* or particles wiped from the hand after offering oblations to three ancestors. Thus, the Sapiṇḍatā extends over $3+3+3+1=10$, including the performer of the Śrāddha. The numerical figure *Ten* in such cases does not exclude *option* ; it is really an *Upalakṣaṇa* figure. Sapiṇḍaship extends up to the ninth generation if only the great-grand-father be dead during the life-time of the father and grandfather, or the grandfather be dead during the life-time of the father and great-grandfather, or the father be dead during the life-time of the grandfather and great-grandfather. Similarly, Sapiṇḍaship extends only up to the eighth generation if the grandfather and the great-grandfather be dead during the life-time of the father ; the father and the great-grandfather be dead during the life-time of the grandfather; and the father and grandfather be dead during the life-time of the great-grandfather.

The Ādi-purāṇa says that the Sapiṇḍaship of Kṣatriyas, Vaiśyas and Śūdras born of Brāhmaṇa fathers will extend up to the third generation. From this statement, Śūlapāṇi concludes that the Sapiṇḍaship of Vaiśyas and Śūdras born of Kṣatriya-fathers and of Śūdras born of Vaiśya-fathers will extend up to the seventh

1 The great-great-grandfather and his father and grandfather are Lepa-bhājs because they are entitled to the remnants of food sticking to the palm and fingers (the *Lepa*).

generation. It is why, Śūlapāṇi says, the Ādi-purāṇa makes a general statement that the Sapiṇḍaship of all Castes extends up to the seventh generation ; and after that, *Samānodakaship*. The Sapiṇḍaship of an unmarried daughter extends up to the third generation and therefore, she has no Sapiṇḍa relationship with her great-great-grandfather.

A woman becomes one with her husband after marriage and therefore, Sapiṇḍaship with regard to a married woman will be just the same as that of her husband i.e. the Sapiṇḍas of the husband will be the Sapiṇḍas of the wife as well.

Thus, Mahāmahopādhyāya Śūlapāṇi has incidentally established that the Sapiṇḍaship of a person with the father, grandfather and great-grandfather living extends up to the tenth generation ; that of a person with the father and grandfather living extends up to the ninth generation and that of one with only the father living up to the eighth generation ; and further, the Sāpiṇḍya of a Brāhmaṇa-born Kṣatriya, Vaiśya or Śūdra up to the third generation, and also that the Sapiṇḍaship of an unmarried daughter up to the third generation.

Then Śūlapāṇi finds out the real significance of the verse in question. In his opinion, the word "Mother" in the verse stands for the father of the Mother ; because as the Sapiṇḍas of the Mother are just the same as those of the Father, there cannot be any sense in making a separate mention of the Sapiṇḍas of the Mother. Therefore, the Sapiṇḍas of the Mother here really refer to those of the father of the Mother.

The particle 'ca' in the verse indicates that a sagotrā of the father of the Mother (Mātāmaha) too cannot be married ; that means really a bride who is a Samānodakā of Mother's father *should* not be married. This view is also upheld by Vyāsa as is shown by Śūlapāṇi by apt quctations from the same. Vyāsa does not say that a Samānodakā of the mother's father *must* not be married. The concession granted by Vyāsa applies to the despicable marriages such as Āsura and Kṣātra, and *not* to Brāhma, Daiva, etc.

Yājñavalkya in his verses 3. 52-53, Ananyapūrvikāṃ, etc. says that an Asapiṇḍā and Asamāna-Ārṣa-gotrajā should be married.[1] If the Pravara and Gotra of a girl be different from those of the groom, she is certainly Asapiṇḍā too. Then why

1 See p. 6 of the text.

does Yājñavalkya make a separate mention of 'Asapiṇḍā' in the verse? The object is to imply that the prohibition in marriage applies only up to the seventh generation and not beyond. The idea is also corroborated by the particle 'ca' in Manu's verse quoted above.

Again, the question arises—what is the good of saying father's sagotrā, as the father's sagotrā evidently refers to the sagotrā of the son also? The reply is—some special provision is to be made for issues raised by Niyoga. Such issues usually have two fathers, the Kṣetrin or the nominal father and the Bījin or the real progenitor. The special mention of the word "Father" means that the aforesaid limitation would apply to both these types of Fathers in the case of Niyoga-sons who must not marry girls up to the seventh degree on both these sides, viz., that of the progenitor as well as of the nominal father. A son raised by Niyoga belongs to the Gotra of the nominal father or Kṣetrin and therefore, if this provision were not made, he could marry a girl belonging to the Gotra of the Bījin which is not desirable and is against the Śāstric injunctions.[1]

Śūlapāṇi further points out that in the word 'Samānārṣa-gotrajā' of Yājñavalkya, the Samāna-pravaratā will apply only then when the pravara of the groom is the same as that of the bride in name as well as number. Again, sagotraship and sa-pravaraship come into consideration with regard to the three higher castes only. The other provisions or stipulations enumerated by Yājñavalkya apply to all the castes; because, Sapiṇḍaship, etc., relevently refer to all of them whereas Gotra and Pravara do not. The Śūdras have no Gotras and Pravaras. Again, the

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1 Raghunandana Bhaṭṭācārya's comment in this connection in his Udvāha-tattva, p. 7 of Caṇḍicaraṇa Smṛtibhūṣaṇa's ed., sixth ed., B. S. 1329, is interesting. Raghunandana says, the verse of the Viṣṇu-purāṇa "Saptamīṃ pitṛ-pakṣāc ca," etc., is specifically intended for referring to the *seventh degree* from the father, not from the groom; and therefore, the real significance of the word "Pituḥ" in Manu's verse is seventh degree *from the father*, not from the groom. It has, according to Raghunandana, nothing to do with the two fathers of a Niyoga-son. पितृ-पश्चात् पितृतः पितृ-बन्धुतश्च, मातृ-पश्चात् मातृतो मातृ-बन्धुतश्च सप्तमीं पञ्चमीं परिहृत्येति शेषः। अत एवैक-पितृकस्यापि पित्रपेक्षया सप्तमी-वर्जनाय मनु-वचने "पितु"रिति सार्थकं, न वरापेक्षयेति, शूलपाणिभिस्तु क्षेत्रिमात्रगोत्रस्य द्विपितृकस्य क्षेत्रजादेर्बीजि-सगोत्रा-वर्जनाय पितुरित्युक्तम् ॥……अत्र मातृ-पदेन मातामहो लक्षणीयः।

Kṣatriyas and Vaiśyas also are without Gotras and Pravaras; Āśvalāyana, however, makes the provision that their Gotras and Pravaras will be determined by those of their Family-priests. Yājñavalkya says that the bride should be beyond the seventh and fifth degrees from the father and the mother of the groom respectively. Śūlapāṇi says, here 'father' stands for Pitṛ-bandhus and the children of all the sapiṇḍas of the father and 'mother' for the mātṛ-bandhus and the children of all the sapiṇḍas of the mother i.e. mother's father. Again, even though a girl may come within the seventh or fifth degrees from the father or the mother, she may be married—if it so happens that she belongs to a fourth Gotra (if she be Trigotrāntaritā). This would mean that she goes outside the pale of three Gotras to which her Pitṛ-bandhus or Mātṛ-bandhus may belong. Say, for example, a daughter of the maternal uncle of a groom is married in Bhāradvāja Gotra; her daughter is married in Śaunaka-Gotra; her daughter, again, is married in Vāśiṣtha Gotra. Now, this particular girl is a Pitṛ-bandhu, coming within fourth degree of the groom, no doubt, and according to the general rule, she cannot be married; but, as she happens to be outside three Gotras, she, *according to the new provision*, may be married to the above groom.

Then Śūlapāṇi points out that the Pitṛ-bandhus are: 1. son of the sister of father; 2. son of the sister of father's mother; 3. son of the brother of the father's mother. And the Mātṛ-bandhus are :—1. son of the sister of mother's mother; 2. son of the sister of mother's father; and 3. son of the brother of mother's mother. Thus the conclusion is that a girl within seven and five generations in the ascending and descending lines of the groom on the father's and mother's sides respectively is to be excluded in marriage.

Though the five generations (beginning with the grandfather) in the ascending line of the son of the brother of father's mother are the same as the five generations (beginning with the mother's father) in the ascending line of the son of the sister of father's mother—, and could all, therefore, have been spoken of as Pitṛ-bandhus; and similarly, three previous generations (headed by the father's father) of the son of the brother of mother's mother are identical with the three previous generations (headed by the mother's father) of the son of the sister of the mother's mother and therefore, could easily have been spoken of as Mātṛ-bandhus—still, separate mention of all the categories is made by the Smārtas, because though in the ascending line sevaral generations are just

the same, still in the descending line, differences will crop up. And consequently, the limitations of the seventh and fifth degrees on the father's and mother's sides both in the ascending and descending lines do not hold good. To avoid these difficulties—separate enumeration of the Pitṛ-bandhus and Mātṛ-bandhus and respective application of the general principle with regard to them have to be made.

Description of the MSS. of the Saṃbandha-viveka

A—Sanskrit MS. No. 227 of the Calcutta University.

Substance: paper. Script: old Bengali. Condition: badly damaged and dilapidated; first and last pages defaced and discoloured. Size: 16 × 4 inches. Folios 6. Lines 7 in a page. Letters 62—65 in a line. Appearance: very old. Complete. Fairly correct. MS. A is better than B from the point of view of correct readings.

B—MS. No. 1473 of the Vaṅgīya-Sāhitya-Pariṣad.

Substance: paper. Folios 5. Script: Bengali. Condition: rather good. Appearance; fairly old. Lines 8 in a page. Complete. There are occasional slips here and there. Hand-writing fairly good.

सम्बन्ध-विवेकः

[साहुडियाल-महामहोपाध्याय-श्रीशूलपाणि-विरचितः]

ॐ नमः शिवाय ।

अथ सम्बन्धो विविच्यते । तत्र मनुः[1]

"असपिण्डा च या मातुरसगोत्रा[2] च या पितुः ।
सा प्रशस्ता द्विजातीनां दारकर्मणि मैथुने ॥" [३।५]

'या' 'मातुः' सपिण्डा न भवति, [3]'पितुः' सगोत्रा [च] न भवति[3] 'सा द्विजातीनां' 'दार-कर्मणि' दारत्व-सम्पादके कर्मणि विवाहे, तथा 'मैथुने'[4] मिथुन-[5]साध्ये अग्न्याधानादौ पुत्रोत्पत्तौ च[6] 'प्रशस्ता' इति सम्बन्धः । तत्र[7] सपिण्डादि-[8]लक्षणमाह मनुः

"सपिण्डता तु पुरुषे सप्तमे विनिवर्तते ।
समानोदक-भावस्तु जन्म-नाम्नोरवेदने ॥"

[५।६०, कू०पु-उ० २३।६२]

अस्यार्थः, यं प्रति[9]योगिनं कृत्वा निरूप्यते[10] तस्य पितृ-प्रभृतयः षट् पुरुषाः सपिण्डाः । सप्तमोऽसपिण्डः । न सपिण्डः असपिण्डः । अत एव [11]लेपभाजोऽपि सपिण्डा इत्युक्तम्[11] कूर्मपुराणे, [कू०पु०उ० २३।६३]

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1. V.r. A. मनु-नारदौ । 2. B. असपिण्डा ।
3-3. Not found in B. 4. A. no मैथुने । 5. A. मैथुन० ।
6. A. no पुत्रोत्पत्तौ च । 7. B. अत ।
8. A. सपिण्डतादि० । 9. A. सम्प्रति ।
10. A. निरूप्यन्ते । 11-11. A. लेप-भागित्वेऽपि सापिण्ड्यमुक्तम् ।

"पिता पितामहश्चैव तथैव प्रपितामहः ।
लेपभाजश्चतुर्थाद्याः साषिण्ड्यं साप्त-पौरुषम् ॥"

तथा[12] मत्स्य-पुराणे,

"लेपभाजश्चतुर्थाद्याः पित्राद्याः पिण्डभागिनः ।
पिण्डदः सप्तमस्तेषां साषिण्ड्यं साप्त-पौरुषम् ॥"

'तेषां' पिण्ड-लेप-[13]दातृ-भोक्तॄणामित्यर्थः । एतेनैतदुक्तं[14] भवति, एक-सम्प्रदान-पिण्ड-लेप-भागेषु येषां दातृत्वेन भोक्तृत्वेन वा[15] सम्बन्धस्तेषां परस्परं[16] साषिण्ड्यम् । अर्थात अत्यतिवृद्धप्रपितामहस्य यो भ्राता [तेन] तत्सन्ततिभिश्च साषिण्ड्यं नास्त्येव । तथा च[17] शङ्ख-लिखितौ

"सपिण्डता तु सर्वेषां गोत्रतः साप्तपौरुषी ।
पिण्डं चोदक-दानञ्च शौचाशौचं[18] तदानुगम् ॥"

'गोत्रतो' गोत्रैक्ये । तेन मातामह-कुले कदाचित् षट्पुरुष-पर्यन्तमपि पिण्ड-[19]:सम्बन्धे[20] न[21] सपिण्डता । गोत्रभेदे हि नायं नियमः । 'तदानुगम्' इति तान् सप्त पुरुषान् पिण्डमुदक-दानमशौचञ्च 'आ' समन्तात्-कारेण अनुगच्छतीत्यर्थः । तथा[22] सुमन्तुः

"ततो[23] ब्राह्मणानाम् एकपिण्ड-स्वधानाम् [24]आ दशमाद्धर्म-विच्छित्ति-र्भवति, आ सप्तमादृक्थ-विच्छित्तिर्भवति, आ तृतीयात् स्वधा-विच्छित्ति-र्भवति[24] । अन्यथा पिण्डाशौच-क्रियाद्युच्छेदे[25] ब्रह्मह-तुल्यो[26] भवति ।"

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12. A. no तथा । 13. B. no लेप ।
14. B. तेनैतदुक्तं । 15. A. no वा ।
16. A. परस्पर० । 17. B. no च । 18. A. अशौचञ्च ।
19. A. no पर्यन्तमपि पिण्ड० । 20. A. add. r. अपि ।
21. A. स । 22. B. तत्र । 23. A. तत्र । 24-24. A. आ सप्तमात् पिण्ड-विच्छित्तिर्भवति, आ दशमाद्धर्म-विच्छित्तिर्भवति ।
25. B. ०क्रियादुयच्छेदात् । 26. A. ब्रह्महा तस्य ; B. ब्रह्महा-तुल्यो । Suddhi-tattva "ब्रह्महत्या-तुल्यो", "ब्रह्महतुल्यो" ।

अस्यार्थः, 'स्वधा' श्राद्धम्, एकस्मिन् पिण्डे पितृ-यज्ञ-सम्बन्धिनि[27] दर्शादि[28]-श्राद्धे सम्प्रदानत्व-[29] दातृत्व-लक्षणः सम्बन्धो येषां [30]श्राद्ध-दातृ-पिण्ड-भोक्तृ-[30] तद्वृद्ध-प्रपितामहादीनां ते[31] तथा। एतदुक्तं भवति, यत्र पित्रादयस्त्रयः[32] पुरुषा जीवन्ति, ते यदि रोगादिना श्राद्धानधिकारिणस्तदा[33] तेन श्राद्धे कर्तव्ये [34]स्ववृद्ध-प्रपितामहं गृहीत्वा त्रयाणां कार्यम्[35]। अत्र[36] श्राद्ध-[37] कर्त्रा सह वृद्ध-प्रपितामहादयस्त्रयः पुरुषा एकपिण्ड-स्वधा भवन्ति। एवञ्च श्राद्ध-कर्तुः सप्तमादूर्ध्वं त्रयः पुरुषा लेपभाजो भवन्ति। एवम्भूतस्य च पुरुषस्य[38] दशम-पुरुष-पर्यन्तं सपिण्डाशौच-धर्मोऽनु[39]-वर्तते। श्राद्ध-दातारमादाय दशम-पुरुष-पर्यन्तं परित्यज्य सपिण्डाशौच-विच्छेदो भवति। अत्र[40] धनाधिकारस्तु सन्निहिततराभावे सप्तम-पुरुष-पर्यन्तमनुवर्तते इति[41]। मृत-पित्रादि-त्रिकस्य[42] स्वधोपलक्षिते[43] श्राद्धेऽधिकारः पित्रादि-पुरुष-त्रय-पर्यन्तः[44]। अष्टमे तु[45] ऋक्थ-विच्छित्तिर्भवति, पञ्चमे श्राद्ध-विच्छित्तिर्भवति[46]। अत एव मनुः,

"त्रयाणामुदकं कार्यं त्रिषु पिण्डः प्रवर्तते।
चतुर्थः सम्प्रदातैषां पञ्चमो नोपपद्यते[47] ॥

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27. B. सम्बन्धासम्बन्धिनि। 28. A. दर्श०। 29. A. सम्प्रदान०। 30-30. A. तादृग् भोक्तृत्वं। 31. A. no ते। 32. A. no त्रयः। 33. A. तथा। 34. A. no स्व०। 35. B. कर्तव्यम्। 36. B. अतः। 37. A. श्राद्धे। 38. A. no 'च पुरुषस्य'। 39 B. no अनु। 40. A. अपुत्रा०। अपुत्र, Suddhi-tattva, Jīv.'s ed. 41. A. no 'इति'। 42. A. ०त्रयस्य। 43. A. स्वधोप [ल]क्षित०। 44. A. ०पर्यन्तं; add. r. B. इति। 45. A. no. 'तु'। 46. B. श्राद्ध-निवृत्तिर्भवति। 47. Manu, 9. 186.

'अन्यथा' श्राद्धस्यादाने[48] सपिण्डाशौचानङ्गीकारे सत्यधिकारिभि-[49] रूर्ध्व-ग्रहे[50] च ब्रह्म-वध-भागि-तुल्यत्वं भवति। अत्र[51] 'आ दशमात्' इत्युपलक्षणम्—प्रपितामह-मात्र-मरणे, सति पितरि पितामहे [52]च; पितामहमरणे, सति पितरि प्रपितामहे च; पितृ-मरणे, सति पितामहे प्रपितामहे च नवम[52]-पुरुष-पर्यन्तम्। *सति पितरि, पितामह-प्रपितामहयोर्मरणे; सति पितामहे,* पितृ[प्र]पितामहयोर्मरणे; सति प्रपितामहे, पितृ-पितामहयोर्मरणे चाष्टम[53]-पुरुष-पर्यन्तञ्च[54] सापिण्ड्यमित्यपि[55] मन्तव्यम्। तथा आदि-पुराणे—

"क्षत्र-विट्शूद्र-जातीनां साषिण्ड्यन्तु त्रिपौरुषम्।
ब्राह्मणैरपि जातानाम् [56]अविभक्तार्थभागिनाम्[56]†॥
विभक्तानां भवेत्तेषां मातुर्जातिर्न संशयः।
सपिण्डता तु कन्यानां सवर्णानां त्रिपौरुषी॥"

'ब्राह्मणैरपी'त्यत्रापिशब्द उत्तरत्र सम्बध्यते। न केवलं विभक्तार्थभागिनाम् अविभक्तार्थभागिनामपि ब्राह्मण-जातानाम्[56] एतेषां त्रिपौरुषमेव साषिण्ड्यमित्यर्थः। तेन क्षत्रियादि-वर्णत्रयाणां[57] क्षत्र-जातयोर्विट्-शूद्रयोः, वैश्य-जातस्य च [58] शूद्रस्य सप्त-पौरुषमेव साषिण्ड्यम्। अत एवाऽऽदि-पुराणे

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48. A. श्राद्धाधाने। 49. A. अधिकारि०।

50. B. ०ग्रहणे। 51. A. तत्र।

52-52. A. प्रपितामहे च. पितामहे च मृते सति पितरि प्रपितामहे च नव-पुरुषपर्यन्तं। *-* A. no. सति...पितामहे।

53. B. no 'च'। 54. B. ०पर्यन्तमपि। 55. A. इत्यादि।

56-56. A. no अविभक्तार्थ...जातानाम्। † A-B. ०वादिनाम्।

57. A. त्रिवर्गाणां। 58. A. no 'च'।

"सर्वेषामेव वर्णानां विज्ञेया साप्तपौरुषी[59] ।
सपिण्डता ततः पश्चात् समानोदकधर्मता ॥"

इति । 'मातुर्जातिरि'ति मातृजात्युक्ता[60]शौचभागित्वमित्यर्थः । [61]'सवर्णानां कन्यानाम्' अनूढानामित्यर्थः[61], "अप्रत्तानां त्रिपौरुषम्" इति वशिष्ठ[62] वचनात् । तेनाऽऽत्मनः[63]पञ्चमे वृद्ध-प्रपितामहे सापिण्ड्यं[64] निवर्तते इति प्रतिपादितम् । अत एव कन्यायाः प्रपितामह-भ्रात्रा[65] तत्-सन्ततिभिश्च सह सापिण्ड्याभावात् कन्या-जनन-मरणयोस्तेषां सपिण्डा-शौचं[66] नास्ति, किन्तु [67]सकुल्य-समानोदक-मरणादि-निमित्तकमेवाशौच-मिति[68], एवं तेषामपि [69]जनन-मरणयोः[69] कन्यानामिति । यथा पुरुषाणां तथा तत्[70]- पत्नीनामपि सापिण्ड्यं तासां [71]पतिभिः सहैकत्वप्राप्तेः[72] । तदुक्तं "एकत्वं सा गता यस्माच्चरु-मन्त्राहुति-व्रतैरि"ति । एतच्च जीवत्-[73] पित्रादि-त्रिकाणां दशमपुरुष-पर्यन्तं, जीवत्-[74] पितृ-[75] पितामहस्य च नवम-[76] पुरुषपर्यन्तं, जीवत्-[77]पितृकस्याष्टमपुरुषपर्यन्तं सापिण्ड्य-मित्यादि[78] । तथा ब्राह्मण-जातानां क्षत्र-विट् शूद्राणां त्रिपुरुष[79]सापिण्ड्यम् । अदत्त-कन्यानाञ्च तदूर्ध्वं सापिण्ड्याभाव[80] इति प्रसङ्गादेव प्रतिपादितम्, न तु कन्यानां सम्बन्धः, तदभाव-ज्ञापनाय वक्ष्यमाण-बहुतर-वचन-विरोधादिति । तदस्तु प्रकृतमनुसरामः । "असपिण्डा च या मातुरस-

59. A. ०पौरुषा । 60. A. ०जात्युक्त० ।
61-61. A. no सवर्णानां...मित्यर्थः । 62. A. no वशिष्ठ ।
63. B. तेनात्म० । 64. B. सपिण्डता । 65. A. पितामहभ्रातृ०
66. B. सपिण्डाशौचं । 67. B. no सकुल्य० ।
68. B. निमित्तकाशौचमेवेति । 69-69. A. मरणे ।
70. B. no तत् । 71. A. तेषां । 72. A. ०प्राप्तिः । 73. A. जीववत्० । 74. A. जीववत्० । 75. A. no पितृ० ।
76. A. नव० । 77. A. जीववत्० । 78. A. ०मित्यादिकं
79. A. त्रिषु पुरुषं । 80. A. सापिण्ड्याभावा ।

गोत्रा च या पितुरि"त्यत्र मातृ-पदेन[81] मातामह-लक्षणा, मातुर्विवाहेन पितृकुले सपिण्डत्व-निवृत्तेः। चकारात्[82] मातुरसगोत्रेत्यनुषङ्गेण[83] मातामह-समानोदकापि[84] निषिध्यते, मातामह-समानोदकायास्ततसपिण्डाया[85]अपि विवाहाश्रवणात्[86]। तथा च व्यासः,

"सगोत्रां मातुरप्येके नेच्छन्त्युद्वाह-कर्मणि।

जन्म-नाम्नोरविज्ञाने तूद्वहे[86a]दविशङ्कितः॥"

इति। तेन "सगोत्रां मातुरपि" इति [87]यत् पूर्वार्धेनोक्तं तन्मातामह-समानोदकाया एव[88] निषेधार्थमिति "जन्म-नाम्नोरवेदने" इत्यादि-परार्धेन[89] प्रतिपादितम्[90]। यत्तु, "मातुः सपिण्डा यत्नेन वर्जनीया द्विजातिभिः" इति व्यास-वचनेनैव मातामह-सपिण्डाया[91] अवश्यवर्जनीयत्वप्रतिपादनाद् मातामह-[92]समानोदकाया अप्यपरित्यागः प्रतीयते तदासुरादि-निन्दित-विवाह-क्षत्रियादिविवाहयोः [अपि(?)एव] प्रतिपत्तव्यम्। ब्राह्मणस्य ब्राह्मादि-विवाहचतुष्टये [92] समानोदका वर्जनीयैवेति सिद्धं भवति। तथा उद्वहेदित्यनुवृत्तौ याज्ञवल्क्यः

"अनन्यपूर्विकां कान्तामसपिण्डां यवीयसीम्।

अरोगिणीं भ्रातृमतीमसमानार्षगोत्रजाम्।

पञ्चमात् सप्तमादूर्ध्वं[93] मातृतः पितृतस्तथा॥" [३।५२-५३]

इति[94]। 'असपिण्डाम्'[95] इति [96]पितुर्मातुश्चेति[96] शेषः। 'असमानार्ष-

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81. B. मातृ-पदे। 82. B. चकारेण। 83. A. ०त्यनुसङ्गिपि; B. ०त्यनुसङ्गेन। 84. A. ०समानोदकोऽपि। 85. A. सगोत्राया। 86. A. विवाह-श्रवणात्। 86. (a). B. ०ऽप्युद्वहे०।
87. A. इत्यादि। 88. B. अपि। 89. A. पूर्वार्धेन।
90. B. ज्ञापितं। 91. A. ०सपिण्डयोः। 92-92. A. no समानोदकाया...चतुष्टये। 93. A. सप्तमात् पूर्णं। 94. B. no 'इति'।
95. A. असपिण्डानाम्। 96-96. A. मातुः सपिण्डाश्चेति।

गोत्रजामि'त्यनेन सपिण्डाया अपि निषेधसिद्धा'वसपिण्डामि'ति सपिण्ड-सन्ततेः सप्तमीपर्यन्ताया अपि निषेधार्थमिति। एवं "असपिण्डा च या मातुरित्यादि-मनुवचने चकारात् पितुरसपिण्डा इत्यनुषङ्गोऽप्येतदर्थ एव[97]। तथा मातुरसगोत्रेत्यनुषङ्गेणैव मातामह-सपिण्डाया अपि निषेधसिद्धौ[98] "असपिण्डा च या मातुरि"ति मातामह-सपिण्ड-सन्ततेः पञ्चमी-पर्यन्ता[या]निषेधार्थम्।

ननु मनुवचने "असगोत्रा च ये"त्यस्यानन्तरं पितुरिति किमर्थम्? असगोत्रेत्येतावतैव पितृ[98]सगोत्राया अविवाह्यत्व[99]सिद्धेः। उच्यते, बीजि-क्षेत्रिकयोर्द्वयोरपि[99] पित्रोः[100] सगोत्रायाः[101] सपिण्ड-सन्ततेश्च[102] सप्तमीपर्यन्ताया विवाह-[103] प्रतिषेधार्थं तत्।* अन्यथा पर-[104] क्षेत्रेऽनियोगादुत्पादितस्य क्षेत्रि-सगोत्रत्वाद्[105] बीजि-सगोत्रायास्तदसगोत्रत्वाद्[106] विवाह्यत्वं प्रसज्येत। ततो बीजि-सगोत्रा-निषेधोऽपि सिद्ध एवेत्यर्थवत्[107] पितुरिति ग्रहणम्, तस्यापि बीजदानेन[108] पितृत्वात्। 'भ्रातृमतीमि'ति गुप्तपुत्रिका-[109]शङ्कानिरासार्थम्। तेना-भ्रातृकापि पुत्रिकाशङ्काशून्या विवाह्यैव। अत एव मनुः,

"यस्यास्तु न भवेद् भ्राता न विज्ञायेत वा पिता।
नोपयच्छेत[110] तां प्राज्ञः पुत्रिकाधर्मशङ्कया॥" [३।११]

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97. B. ०प्येतदर्थकः। 98. A. add. r. अपि; 98-98. A. no असपिण्डा...पितृ। 99. A. अविवाहत्व०। 99 (a) A. ०र्द्वयोरेव। 100. B. पित्रोश्च। 101. A. add. r. A. सपिण्डसन्ततेः; B. सपिण्ड-सन्ततेश्च। 102. A. no 'च'। 103. A. विवाहे। 104. A. no 'पर'। 105. A. क्षेत्रगोत्राद्।

* "शूलपाणि-महामहोपाध्यायैस्तु क्षेत्रमात्रगोत्रस्य द्वि-पितृकस्य क्षेत्रजादे-र्बीजिसगोत्रावर्जनाय पितुरित्युक्तम्।" उद्वाह-तत्त्वम्। 106. A. ०गोत्राद्वा। 107. A. no 'अर्थवत्'। 108. B. बीजप्रधानत्वेन। 109. A. गुप्त-पुत्रे। 110. A. नोपयच्छेत्तु।

'आर्ष' प्रवरः[111], असमानार्षमसमान-गोत्रजामिति च प्रत्येकमेव[112] नञः[113] सम्बन्धः। असमान-प्रवरैर्विवाह इति गोतमदर्शनात "असगोत्रा च या पितुरि"[114]ति मनुवचनाच्च, पृथक् प्रायश्चित्तदर्शनाच्च। यथा

"परिणीय सगोत्राञ्च समान-प्रवरां तथा।
त्यागं कृत्वा ततस्तस्यास्ततश्चान्द्रायणं चरेत्॥"

समान-प्रवरता[115] च[116] तत्रैव यत्र नाम-संख्ययोस्तुल्यत्वम्, तथाहि[117] यत्र सम-[118] प्रवर-समान-नामधेयत्व-[119] सम्भवेऽपि संख्यान्यत्वं[120] संख्यासाम्येऽप्येकादिप्रवरान्यत्वं वा[121] तत्राप्यसमानप्रवरतैव। 'असमानार्ष-गोत्रजामि'ति ब्राह्मणादि-वर्णत्रयविषयम्।* सर्वमन्यत् सार्ववर्णिकं सर्वत्रैव सपिण्डत्वादि-[122] सम्भवात्।

यद्यपि राजन्य-वैश्ययोरपि वक्ष्यमाणाश्वलायनीय[123] वचन-स्वरसात्[124] स्वीयगोत्र-प्रवरौ न स्तः, तथापि तद्वचनबलात्[125] पुरोहित-गोत्र-प्रवरभागित्वं [126]तयोरिति। यथाश्वलायनः, "यजमानस्यार्षेय-प्रव-रान्[127] प्रवृणीत" इत्युक्त्वा "पौरोहित्यान् राजन्य-विशां प्रवृणीत" इति। 'मातृतः पितृतस्तथे'ति मातृ-बन्धुतः पितृबन्धुत[128] स्तथेत्यर्थः। यद्यपि

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111. A. प्रसवः। 112. A. प्रत्येकमेषां। 113. A. नञ्०।
114. A. मातुरिति। 115. A. समानप्रवरा। 116. A. no 'च'।
117. A. no तथाहि। 118 A. समान०। 119. B. नामधेय।
120 A. no 'संख्यान्यत्वं'। 121. A. no वा। 122. A. सपिण्डादि०।

* Raghunandana quotes this sentence in his Udvāha-tattva, Jīvānanda's ed. of the Smṛti-tattva, vol. II, p. 111.

123. B. ०लायन०। 124. A. सरसात्।
125. A. तद्वचनादेः। 126. ०प्रवर-भागि[तयैव(?)तैव]।
127. A. ०स्यार्षेयान्। "आर्षेयान् गोत्रप्रवरान्" उद्वाहतत्त्व।
128. A. no 'पितृबन्धुतः'।

"उद्वहेत पितृ-मात्रोस्तु[129] सप्तमीं पञ्चमीं तथा" इति मार्कण्डेय-पुराण एव पितृ-मातृ-शब्दाभ्यां[130] पितृ-मातृ-सम्बन्धित्वेन पितृ-बन्धु-मातृ-बन्धु-पितृ-सपिण्ड-मातृ-सपिण्ड-सन्ततीनां निषेधः सिध्यति, तथापि यदसपिण्डेति[131] पृथगुक्तं तत् पितृ-सपिण्ड-सन्ततेः सप्तम्या अर्वाग् [132]जाताया अपि त्रिगोत्रान्तरिताया विवाहार्थं, तथा मातामह-सपिण्ड-सन्ततेः पञ्चम्या अर्वाग्[132] जाताया अपि त्रिगोत्रान्तरिताया विवाहार्थञ्च।

"असम्बन्धा भवेद् या तु पिण्डेनैवोदकेन वा।
सा विवाह्या द्विजातीनां त्रिगोत्रान्तरिता च या ॥"

इति [133]बृहन्मनुवचनम्। यच्च[133] "सन्निकर्षेऽपि कर्तव्यं त्रिगोत्रात् परतो यदि" इति पठन्ति तदप्येतद्विषयमेव[134] प्रतीयते। अतोऽत्र मातृ-पितृ-शब्दाभ्यां[135] मातृ-पितृ-[136] बन्धूनाम् अपि[137] ग्रहणम्। पितृ-बान्धवा मातृ-बान्धवाश्चोक्ताः,

"पितुः पितुः स्वसुः पुत्राः पितुर्मातुः स्वसुः सुताः।
पितुर्मातुल-पुत्राश्च विज्ञेयाः पितृ-बान्धवाः ॥
मातुर्मातुः स्वसुः पुत्रा मातुः पितुः स्वसुः सुताः।
मातुर्मातुल-पुत्राश्च विज्ञेया मातृ-बान्धवाः ॥"

इति। तेन[138]पितामह-भगिनी-पुत्रः पितामही-भगिनी-पुत्रः पितामही-भ्रातृ-पुत्रश्चेति[139] त्रयः पितृ-बान्धवाः। [140]तथा, मातामही-भगिनी-पुत्रो मातामह-भगिनी-पुत्रो मातामही-भ्रातृ-पुत्रश्चेति मातृ-बान्धवा अपि

129. B. मातृ-पित्रोस्तु।
130. B. no पितृ-मातृ-शब्दाभ्यां
131. A. यदसपिण्डमिति।
132-132. no जाताया...अर्वाग।
133-133. A. बृहन्मनु-वचनीयाच्च।
134. A. एतद्विषय एव।
135. A. मातृ-पितृभ्यां।
136. A. no मातृ-पितृ०।
137. A. एव।
138. A. no तेन।
139. A. no चेति।
140-140. A. no तथा...त्रय एव।

त्रय एव[140]। तेन पितामही-भगिनी-पुत्रात् पितामह-भगिनी-पुत्रात् पितामही-भ्रातृ-पुत्राच्च तमादायोपरितन-सप्तम[141] पुरुषादूर्ध्वं तमादायाधस्तन-सप्तम[142]पुरुषाच्चोर्ध्वं[143] विवाहः, न तु [144]तदर्वाग्जातायाः कन्याया[145] इति। यद्यपि पितृबन्धूनां मातृ-बन्धूनाञ्चोपरितनानां सप्त-पञ्च-जातानां[146] चिरातीतत्वेन पुरुषत्वादिना च पुरुषान्तराणां[147] विवाहो नास्ति तथापि तत्सन्तति-परम्परा-[148] जातायाः सप्तमी-पर्यन्तायाः[149] पञ्चमी-[150] पर्यन्तायाश्चाविवाह्यत्वं, प्रतियोगिनमादाय सप्तमादूर्ध्वं पञ्चमादूर्ध्वञ्च कन्यानां विवाह्यत्वं सन्निहितत्वात्। सप्तमात् पञ्चमादूर्ध्वमित्यभिसम्बन्धात्।*

तथा, यद्यपि वरस्य पितृ-बन्धूनाम्[151] अधस्तन-सप्तम-पुरुषादूर्ध्वं मातृ-बन्धूनामधस्तन-[152] पञ्चम-पुरुषाच्चोर्ध्वं[153] कन्या-विवाहः प्रायो न सम्भ-

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141. B. पञ्चम०। 142. B. पञ्चम०। 143. A. add. r. तमादायाधस्तन-पञ्चम-पुरुषाच्चोर्ध्वं।

[अत्रेदं द्रष्टव्यं, योऽयं A-संज्ञके पुस्तकेऽधिकः पाठो दृश्यते तस्यायं पूर्वो भागः स्यात् "एवं मातामही-भगिनी-पुत्रात् मातामह-भगिनी-पुत्रात् मातामही-भ्रातृ-पुत्राच्च, तमादायोपरितन-पञ्चम-पुरुषादूर्ध्वं" इति। अत्रेदं कारणमनुसन्धातुं शक्यते, विवाहे पितृ-बन्धूनां मातृ-बन्धूनामुभयेषामेव गणनं न्याय्यम्, अत्र च केवलं पितृ-बन्धूनामेव गणनं दृश्यते इति।]

144. A. add. r. न। 145. A. no कन्यायाः। 146. A. no. सप्त-पञ्च-जातानां। 147. B. पुरुषाणां। 148. B. no परम्परा। 149. A. पर्यन्त-जातायाः। 150. A. सप्तमी०।

* Raghunandana also sticks to this view; see Udvāha-tattva, Jīvānanda's ed. of Smṛti-tattva, vol. II, p. 117

151. B. add. r. मातृ-बन्धूनाञ्च। 152. B. no मातृ-बन्धूनामधस्तन०। 153. B. no 'च'।

वति[154], प्रायेण तस्य तावतकालानवस्थिततत्वात् तथापि[155] पितृ-बन्धुभ्यो मातृ-बन्धुभ्यश्च[156] सप्तमी-[पर्यन्तायाः पञ्चमी]-पर्यन्तायाश्च यस्य पितृ-मातृ-बन्धुस्तत् सन्ततेर्विवाहाभाव-प्रतिपादनार्थं वचनम्, कदाचित्तस्य तावत्-काल-वर्तित्वेऽपि पितृ-बन्धुभ्यो मातृ-बन्धुभ्यश्च[156] सप्तमात् पञ्चमाच्चोर्ध्वं कन्या[157] विवाह-प्रतिपादनार्थम्[158]। एतेनैतदुक्तं भवति, पितामही-भगिनी-पुत्रस्य मातामह - प्रमातामह - वृद्धप्रमातामहातिवृद्धप्रमातामहात्यतिवृद्धप्रमातामहानाञ्च पुत्र-परम्परया दुहितृ-परम्परया[159] वा प्रतियोगिनमादाय सप्तमीपर्यन्तायाः कन्याया अवि वाह्यत्वम्। यद्यपि[160] पितामही भ्रातृ-पुत्रस्य पितामहात्[161] प्रभृति य ऊर्ध्वतन-पञ्च[162] पुरुषास्त एव पितामही-भगिनी-पुत्रस्य मातामहाद्याः पञ्च[163] पुरुषाः, अत एव[164] उभयोरन्यतरस्य पितृ-बन्धु-संज्ञयैव तत्-प्रतियोगितया विधि-निषेध-सिद्धिः[165], तथापि तयोः पितृ-बन्धु-संज्ञा पितामही-भगिनी-पुत्र-सन्ततेः पितामही-भ्रातृ-पुत्र-सन्ततेर्वा सप्तमी-पर्यन्ताया विवाह-निषेधोपयोगिनी अशौचादि-प्रतिपादनोपयोगिनी[166] च। यस्तु पितामह-भगिनी-पुत्रस्तस्य मातामहात् प्रभृत्यूर्ध्वं[167] ये[186] पञ्च पुरुषास्ते वरस्य पितृ-सपिण्डा एव, ततस्तत्-[169] सन्तति-परम्परा-[170] जाताया "असपिण्डामि"त्यनेनैव[171] प्रतिषेधे[172] सिद्धे प्रतिषेध-[173]

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154. B. प्रायो नास्ति।
155. A. no अपि।
156.—156. Not found in B.
157. A. कन्याया।
158. A. add. r. च।
159. A. no दुहितृ-परम्परया।
160. A. add. r. या।
161. A-B. पितामह।
162. A-B. पञ्चम०।
163. A-B. पञ्चम०।
164. A. no अतएव।
165. B. विधि-निषेधाविति।
166. B. प्रतिपादनयोगिनी।
167. A. प्रभृत्यूर्ध्वं०।
168. A. no चे।
169. A. अधस्तात्।
170. B. no परम्परा०।
171. B. असपिण्डा च येत्यनेनैव।
172. A. प्रतिषेधः।
173. A. no सिद्धे प्रतिषेध०।

वचनन्तु पितामह-भगिनी-पुत्रमादाय सुत-[174] दुहितृ-परम्परया सप्तमी-[175]पर्यन्तायास्तत्सन्तति-जाताया विवाहाभाव-प्रतिपादनार्थम्। *अन्यथाऽसपिण्डामित्यनेन पितामह-भगिनी-पुत्रस्य मातामहात् प्रभृति सन्तति-परम्परा-जातायास्तमादाय सप्तमी-पर्यन्तायास्त्रिगोत्रा[न]न्तरितायाः[175]विवाहः प्रसज्येत। अत एव सप्तम्यास्त्रिगोत्र-[176] मध्यवर्तिन्या अपि। तथा [177]मातामही-भगिनी-पुत्रस्य मातृ-मातामह-प्रमातामह-वृद्ध-प्रमातामहानाञ्च पुत्र-परम्परया दुहितृ-परम्परया [च][178] प्रतियोगिनमादाय पञ्चमी-पर्यन्तायाः कन्यायास्तत्-सन्ततिजाताया[179] अविवाह्यत्वम्। [180]एवं मातामही-भ्रातृ-पुत्र-तत्-पितृ-पितामह-वृद्ध-प्रपितामहानाञ्च पुत्र-परम्परायां दुहितृ-परम्परायाश्च प्रतियोगिनमादाय पञ्चमी-पर्यन्तायास्तत्-सन्तति-जातायाश्च कन्या [या अ]विवाह्यत्वम्[180]। यद्यपि मातामही-[181]भ्रातृ-पुत्रस्य पितामहात् प्रभृति ये त्रयः पुरुषास्ते मातामही-भगिनी-पुत्रस्य [182]मातामहाद्यास्त्रयः पुरुषाः, अत एव[183] उभयोरन्यतरस्य मातृ-बन्धु-संज्ञयैव[184] तत्प्रतियोगितया विधि-निषेधः सिद्धः, तथाप्युभयोर्मातृ[185]-बन्धु-संज्ञा मातामही-भगिनी-पुत्र-[186] [सन्ततेर्मातामही-भ्रातृ-पुत्र]सन्ततेर्वा विवाह-निषेधोपयोगिनी अशौचादि-

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174. B. पुत्त०। 175-175. A. पर्यन्तायाः कन्याया।

* These two conclusions of Śūlapāṇi have been accepted by Raghunandana in his Udvāha-tattva, p. 117, l. 8 f. of Jīvānanda's edition.

176. A. no सप्तम्यास्त्रिगोत्त०। 177. A, यथा।

178. A. no दुहितृ-परम्परया। 179. A. no तत्सन्तति-जातायाः।

180-180 B. No एवं...विवाह्यत्वं। 181. A. No मातामही।

182. A. add. r. या। 183. A. no एव। 184. A. संज्ञैव। 185. A. उभय-मातृ०। 186. B. add. r. स्तत्सन्ततिर्माता-मही-भ्रातृ-पुत्तस्तत्०।

प्रतिपादनोपयोगिनी च[187]। यस्तु मातामह-भगिनी-पुत्रस्तस्य मातामहात प्रभृति य ऊर्ध्वं त्रयः पुरुषास्ते वरस्य[188] मातामह-सपिण्डा एव भवन्ति, अतस्तत-सन्तति-जातायाः कन्याया "असपिण्डामि"त्यनेनैव विवाह-निषेधः[189], वचनन्तु[190] मातामह-भगिनी-पुत्रमादाय यथासम्भवं पुत्र-दुहितृ-परम्परया पञ्चमी-पर्यन्तायाः[191] कन्याया विवाहाभाव-प्रतिपादनार्थम्। अन्यथा "असपिण्डामि"त्यनेन[192] मातामह-भगिनी-पुत्रस्य मातामहात[193] प्रभृति [194]तत्-सन्तति-परम्पराजातायास्तमादाय पञ्चमी-पर्यन्तायास्त्रिगोत्रा[न]न्तरितायाः[195] कन्याया विवाहः प्रसज्येत। षष्ठ्यास्त्रिगोत्र-मध्यवर्तिन्या अपि। तथा [196]सपिण्डसमानोदक-सगोत्र-पितृ-बन्धु-मातृ-बन्धु-तत्-[196] सन्ततीनां विवाह-विधिना भार्यात्वं नोपपद्यत एव[197]। रोगिन्यादिषु च [198] भार्यात्वे वृत्तेऽपि कर्तुर्विहितातिक्रम-दोषो दृष्ट-दोषश्च। यथाह नारदः,

"आ सप्तमात् पञ्चमाच्च बन्धुभ्यः पितृ-मातृतः।
अविवाह्या सगोत्रा च समान-प्रवरा[199] तथा॥
सप्तमे पञ्चमे वापि[200] येषां वैवाहिकी क्रिया।
ते च सन्तानिनः सर्वे पतिताः शूद्रतां गताः॥"

तथा[201] विष्णुः,

"न सगोत्रां न समान[202]-प्रवरां भार्यां विन्देत, मातृतस्त्वा पञ्चमात् पितृतस्त्वा सप्तमात्[203]।" तथा मार्कण्डेय-पुराणे,

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187. A. प्रतियोगिनी। 188. A. no वरस्य। 189. B. ०प्रतिषेधः। 190. A. no 'तु'। 191. B. add. r. तत्सन्तति-जातायाः। 192. B. add. r. एव। 193. A. मातामह०। 194. A. no तत्। 195. B. add. r. तत्सन्तति-जातायाः। 196-196 समान-प्रवर-पितृबन्धु०। 197. B. no 'एव'। 198. A. रोगिन्यादि उक्त। [अत्र मूले भोगिन्यादीति स्यात्]। 199. A. प्रसवा। 200. A. चैव। 201. B यथा। 202. A. असगोत्रामसमान०। 203. A. पञ्चमात्।

"उद्वहेत पितृ-मात्रोस्तु सप्तमीं पञ्चमीं[204] तथा"।

इति[205]। परिहृत्येति शेषः। तथा पैठीनसिः

"असमानार्षेयीं कन्यां वरयेत, पञ्च मातृतः परिहरेत, सप्त पितृतः[206], त्रीन मातृतः पञ्च पितृतो वा"

इति। 'त्रीन पञ्च वे'ति [207]आसुरादि-निन्दित-विवाह-चतुष्टय-विषयं क्षत्रियादि-विवाह-[208] विषयञ्च। एतेषु वचनेषु पितृ-मातृ-शब्दाभ्यां पितृ-मातृ-सपिण्ड-पितृ-बन्धु-मातृ-बन्धूनां ग्रहणम्। तथा च विष्णु-पुराणे,

"सप्तमीं पितृ-पक्षाच्च मातृ-पक्षाच्च पञ्चमीम्।
उद्वहेत द्विजो भार्यां न्यायेन विधिना नृप॥" [३।१०।२३]

तथा गौतमः,

"असमान-प्रवरैर्विवाह ऊर्ध्वं सप्तमात् पितृ-बन्धुभ्यो वीजिनश्चैवं, मातृ-बन्धुभ्यः पञ्चमात्" [गौ० सं ४]

इति। 'वीजिन' इति, परभार्यायां नियोगतो वीज-प्रक्षेपस्याप्येवम् इत्यर्थः। तेन वीजिनः प्रभृति ऊर्ध्वतनादधस्तनाद्वा[209] सप्तम-पुरुषादर्वाग् जातायाः सप्तमी-पञ्चमी-पर्यन्तायाः कन्याया विवाह इति प्रतिपादितम्।

यद्यपि "असगोत्रा च या मातुरि"ति मनु-वचने[210] पितृ-शब्देन वीजिनोऽपि[211] ग्रहणाद्वीजि-सगोत्राया[212] अप्यविवाह्यत्वं प्रतिपादितम्[213], तथाप्यनेन[214] गोतम-[215]-वचनेन वीजिनः[216] सप्तमादूर्ध्वं समानोदकाया

---

204. A. no पञ्चमीं। 205. A. no इति। 206. A.add. r. परिहरेत्। 207. A. त्रीणि पञ्च चेति च। Raghunandana, Udvāha-tattva, p. 109, ll. 1-3 "त्रीन् पञ्चेत्यासुरादि-विवाह-विषयं क्षत्रियादि-विवाह-विषयं वेति विवेककृतः"। 208. A. no विवाह। 209. A. ऊर्ध्वतनाधस्तात्। 210. A. मनु-वचनेन। 211. B. no अपि। 212. A. add. r. जातायाः। 213. B. सूचितम्। 214. A. add. r. एव। 215. A. गोत्र०। 216. B. add. r. च।

अपि विवाहोऽभ्यनुज्ञायते। एतच्च[217] आसुरादि-विवाह-विषयं क्षत्रियादि-विवाह-विषयञ्चेति न किञ्चिदप्यनुपपन्नम्[218]। युक्तञ्चैतत्, वीजिनो[219] वीज-दान-मात्र-सम्बन्धेन क्षेत्रितोऽपकृष्टत्वात्। तथा च सुमन्तुः,

"पितृ-स्वसृ-सुतां [220]मातृ-स्वसृ-सुतां मातुल-सुतां[220] मातृ-सगोत्रां[221] समानार्षेयीं विवाह्य चान्द्रायणं चरेत्, परित्यज्य चैनां[222] बिभृयात्"। कुलोत्पन्नां युक्ताचारां वरयेत। मातृ-स्वसृ-दुहितरः पितृ-स्वसृ-दुहितरः[223] मातुल-सुताश्च धर्मतस्ता भगिन्यो भवन्ति, ता वर्जयेत्[224]।"

तथा मातृ-सपत्नी-भ्रातृ-सन्ततिरपि न विवाह्येत्याह सुमन्तुः,

"मातृ-पितृ-सम्बन्धा[225] आ सप्तमादविवाह्याः कन्यका भवन्ति। आ पञ्चमादन्येषाम्। सर्वाः पितृ-पत्न्यो मातरस्तद्भ्रातरो मातुलास्तद्दुहितरो भगिन्यस्तदपत्यानि भागिनेयानि"।

एतासां कन्यानाम्[226] अविवाह्यत्वमित्यर्थः। अन्यत्[227] सुबोधम् इति।

इति साहुडियाल-महामहोपाध्याय-श्रीशूलपाणि-विरचितः
सम्बन्ध-विवेकः समाप्तः॥

---

217. B. add. r. विवाह्यत्वं। 218. C. no अपि। 219. B. no वीजिनः। 220-20. Not found in B. 221. A. मातुल-सगोत्रां। 222. A. no च। 223. B. no पितृ-स्वसृ-दुहितरः। 224. B. परिवर्जयेत्। 225. A. सम्बन्धात्। 226. B. no कन्यानां। 227. A. तत्।

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Abbreviations

Āp. = Āpastamba.
Āśv-GS = Āśvalāyana-gṛhya-sūtra.
AV. = Atharva-veda.
Kāth. Saṃh. = Kāṭhaka-saṃhitā.
Mait. Saṃh. = Maitrāyaṇīya-saṃhitā.
Pār-GS. = Pāraskara-gṛhya-sūtra.
Ṛ V. = Ṛg-veda.
Tait. Brāh. = Taittirīya-Brāhmaṇa.
Tait. Saṃh = Taittirīya-saṃhitā.
Vaś-DhS. = Vaśiṣṭha-dharma-sūtra.

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